

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EVELINA CALCANO, on behalf of herself and all other  
persons similarly situated,

Plaintiff,

-v-

UNITED STATES OF ARITZIA, INC.,

Defendant.

CIVIL ACTION NO.: 19 Civ. 11378 (PAE) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

On December 12, 2019, Plaintiff filed this action against Defendant, alleging that Defendant violated the Americans with Disabilities Act by “fail[ing] to sell store gift cards to consumers that contain writing in Braille and to be fully accessible to and independently usable by Plaintiff and other blind or visually-impaired people.” (ECF No. 1 ¶ 4). On December 13, 2019, the Honorable Paul A. Engelmayer referred this case to me for general pre-trial supervision. (ECF No. 5). On March 30, 2020, the Court granted Defendant’s request to stay this action until August 4, 2020. (ECF No. 10). On July 29, 2020, the Court granted the parties’ request for a continuance of the stay pending the Second Circuit’s decision in Mendez v. AnnTaylor, Inc., No. 20-1550, and directed Plaintiff’s counsel to “notify the Court within 14 days of the decision in Mendez.” (ECF No. 12). On July 31, 2020, Mendez was consolidated with other related appeals, and Calcano v. Swarovski North America Limited, 21-1552 was designated as the lead case. (Order, Mendez, No. 21-1550, (2d Cir. July 31, 2020), ECF No. 88).

On June 2, 2022, the Second Circuit issued its decision in Calcano. (Opinion, Calcano, No. 21-1552, (2d Cir. June 2, 2022), ECF No. 196). Accordingly, Plaintiff's counsel was to notify the Court of the decision by June 16, 2022.

On June 22, 2022, not having heard from either party, the Court lifted the stay and directed the parties to file a joint letter (the "Letter") by June 28, 2022 with a proposal for proceeding with the case. To date, the parties have not filed the Letter or otherwise communicated with the Court.

As a one-time courtesy, the Court extends this deadline and directs the parties to file the Letter by **July 1, 2022**.

Plaintiff's counsel is warned that failure to comply with this Order may result in an order to show cause why this case should not be dismissed under Federal Rule of Civil Procedure 41 for failure to prosecute.

Dated: New York, New York  
June 29, 2022

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge